

**REMARKS/ARGUMENTS:**

Entry of the above amendments, and reconsideration of the claim rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. Claims 1-34 remain in the application. In this Response, claims 1, 2, 6-12, 14, 18-24, 26, 27, and 31-34 have been amended. Claims 3-5 and 15-17 remain in their original form as filed.

The amendments submitted above to certain claims have been done so either in response to the Examiner's rejections or objections or to correct the antecedent basis of a claim element.

Specifically, claims 2, 6, 7, 8, 9, 11, 12, 18, 19, 20, 21, 23, 24, 27, 31, 32, 33, and 34 were amended to correct the antecedent basis of a claim element that was changed in a parent claim.

No new matter has been introduced through any of these claim amendments.

**A. Interview Summary**

Applicant would like to thank Examiner Desir for the telephone interview that was held on December 9, 2008. A summary of the meeting is as follows:

The independent claims were discussed in light of the prior art. An agreement was reached with Examiner Desir that a proposed amendment to the independent claims would overcome the section 103 rejection of Chen et al., U.S. Patent No. 7,020,685 in view of Gustafsson, U.S. Patent No. 6,424,841. That amendment has been made in this response.

**B. Rejection of Claims  
Under 35 U.S.C. §103(a)**

**(i). Items 4 and 5 In The Office Action**

The Examiner has rejected claims 1, 7, 14, 19, 26, and 32 under 35 U.S.C. §103(a) as being unpatentable over Chen et al., U.S. Patent No. 7,020,685 in view of Gustafsson, U.S. Patent No. 6,424,841.

In response, Applicant has amended independent claims 1, 14, and 26 to more distinctly distinguish Applicant's invention through the further limitations of "two or more short messages" instead of "one or more short messages."

Chen et al. is directed to providing hypermedia content maintained remotely on a network to a wireless device without a browser. However, Chen et al. does not disclose or teach a response readable by the originating system that indicates a status of delivery, where the response has one or more result elements, and further where the one or more result elements may have one or more child elements that represent details of the result element.

Gustafsson is directed to enabling wireless client devices to more efficiently utilize available transmission bandwidth in a wireless network. However, neither Chen et al. nor Gustafsson disclose or teach the elements of "a first child count element of a first result element indicates a number of the two or more short messages successfully delivered, and a second child count element of a second result element indicates a number of the two or more short messages unsuccessful delivered." Gustafsson teaches a Submit Success Report (Col. 14, lines 27-39, FIG. 6A), a Submit Error Report (Col. 14, lines 40-43, FIG. 6B), a Delivery Success Report (Col. 14, lines 44-55, FIG. 7A), and a Delivery Error Report (Col. 14, lines 56-58, FIG. 7B) but the report does not **include** results from multiple short messages, indicating the number of successfully delivered short messages and the number of unsuccessfully delivered short messages. Each of the four reports in Gustafsson are in fact sent at different times (See Col. 14, line 59 through col. 15, line 38 and FIGS. 8A and 8B), and the reports are sent on a packet-by-packet basis (see col. 14, lines 61-63), and not on total completed messages. FIG. 5 and Table 3 in the specification (see page 16-17 in the specification) describes the format for a response, which **includes** one or more results indicating the number of failed messages and the number of successful messages. This report is sent to the sender in step 845 as shown in FIG. 8 (see page 23 in the specification).

Since the Chen et al. and Gustafsson references do not disclose expressly or inherently all of the elements and limitations of Applicant's amended independent claims 1, 14, and 26, Applicant believes that these claims are not obviated by Chen et al. in view of Gustafsson and requests withdrawal of the Examiner's rejection under 35 U.S.C. §103(a).

Applicant likewise believes that dependent claims 7, 19, and 32, which include all of the limitations of independent claims 1, 14, and 26, are at least patentable over the Examiner's rejection based on Chen et al. further in view of the teaching of Gustafsson under 35 U.S.C. §103(a), and withdrawal of that rejection to these claims is respectfully requested.

(ii). Items 4 and 6 In The Office Action

The Examiner has rejected claims 10, 11, 22, and 23 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. in view of Miralles et al., Patent Publication No. U.S. 2004/0110516 and Gustafsson.

In response, Applicant has amended independent claims 10 and 22 to more distinctly distinguish Applicant's invention through the further limitations of "two or more short messages" instead of "one or more short messages."

Chen et al. is directed to providing hypermedia content maintained remotely on a network to a wireless device without a browser. Gustafsson is directed to techniques that enable wireless client devices to more efficiently utilize available transmission bandwidth in a wireless network. Miralles et al. is directed to transmitting short messages between a remote server and a mobile telephone user that is in communication with a short message service center via a GSM network. However, neither Chen et al. nor Gustafsson nor Miralles et al. disclose or teach the elements of "a first child count element of a first result element indicates a number of the two or more short messages successfully delivered, and a second child count element of a second result element indicates a number of the two or more short messages unsuccessful delivered." As argued above, Gustafsson teaches a Submit Success Report (Col. 14, lines 27-39, FIG. 6A), a Submit Error Report (Col. 14, lines 40-43, FIG. 6B), a Delivery Success Report (Col. 14, lines 44-55, FIG. 7A), and a Delivery Error Report (Col. 14, lines 56-58, FIG. 7B) but the report does not **include** results from multiple short messages, indicating the number of successfully delivered short messages and the number of unsuccessfully delivered short messages. Each of the four reports in Gustafsson are in fact sent at different times (See Col. 14, line 59 through col. 15, line 38 and FIGS. 8A and 8B), and the reports are sent on a packet-by-packet basis (see col. 14, lines 61-63), and not on a total completed message. Miralles et al. teaches that "Client modules also have means for transmission of the result of the acknowledgement of receipt, to the server

module of the client module that generated the acknowledgement of receipt request in the first instance” (See para. 0027) but also does not include results from multiple short messages, indicating the number of successfully delivered short messages and the number of unsuccessfully delivered short messages. Thus, the combined teachings of Chen et al. and Miralles et al. and Gustafsson cannot lead one skilled in the art to arrive at Applicant's claimed invention as embodied in amended independent claims 10 and 22. Applicant thus believes that independent claims 10 and 22 are patentable over Chen et al. and Miralles et al. and further in view of Gustafsson and withdrawal of the rejection under 35 U.S.C. §103(a) to these claims is respectfully requested.

Claims 11 and 23 depend directly or indirectly from independent claims 10 or 22 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 10 or 22, Applicant likewise believes that dependent claims 11 and 23 are at least patentable over the Examiner's rejection based on Chen et al. in view of Miralles et al. and further in view of Gustafsson under 35 U.S.C. §103(a), and withdrawal of that rejection in respect to these claims is respectfully requested.

(iii). Items 4 and 7 In The Office Action

The Examiner has rejected claims 2-4, 6, 15, 16, 18, 27-29, and 31 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. and Gustafsson and further in view of Wood et al., U.S. Patent Publication No. U.S. 2004/0259531.

Applicant respectfully traverses. The claims should be allowed over the prior art because one or more of the requirements of a *prima facie* case of obviousness is absent. Indeed, such a *prima facie* case can only be met when **all** of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves (or in the knowledge available to those skilled in the art) to combine the references; (2) there must be a reasonable expectation of success; and (3) the combined references *must teach or suggest all the claim limitations*. See MPEP §§ 706.02(j) and 2143. The Examiner in the Office Action has not established a *prima facie* case of obviousness because the references cited by the Office Action, in light of the amendments made to the independent claims, do not teach or suggest all the limitations of independent claims 1, 14, and 26. Applicant has amended independent claims 1, 14, and 26 as

described above in Section B(i) to remove Chen et al. in view of Gustafsson as obvious under 35 U.S.C. §103(a). As argued above, Applicant believes that the references cited above do not teach or suggest all the elements and limitations of Applicant's independent claims 1, 14, and 26. Wood et al. is directed to routing a message to an application via a mobile telecommunications network in which mobile devices are assigned globally unique identifiers. Even if Wood et al. teaches specific claim elements in the dependent claims as proffered by the Examiner for dependent claims 2-4, 6, 15, 16, 18, 27-29, and 31, Chen et al. and Gustafsson do not teach all of the limitations of independent claims 1, 14, and 26. Since Chen et al. and Gustafsson do not teach all of the limitations of independent claims 1, 14, and 26, combining Wood et al. with the teaching of Chen et al. and Gustafsson cannot arrive at Applicant's claimed invention as embodied in dependent claims 2-4, 6, 15, 16, 18, 27-29, and 31, which contain all of the limitations of independent claims 1, 14, and 26 respectively. Therefore, combining Wood et al. with the teaching of Chen et al. and Gustafsson would not arrive at Applicant's claimed invention. Thus, Applicant believes that dependent claims 2-4, 6, 15, 16, 18, 27-29, and 31 are patentable over Chen et al. and Gustafsson in view of Wood et al. Accordingly, Applicant requests retraction of the Examiner's rejection of claims 2-4, 6, 15, 16, 18, 27-29, and 31 under 35 U.S.C. §103(a).

(iv). Items 4 and 8 In The Office Action

The Examiner has rejected claims 5, 8, 9, 17, 20, 21, 30, 33, and 34 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. and Gustafsson and further in view of Wood et al. '1819, International Publication No. WO 03/001819 A2.

Applicant respectfully traverses. The claims should be allowed over the prior art because one or more of the requirements of a *prima facie* case of obviousness is absent. Indeed, such a *prima facie* case can only be met when **all** of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves (or in the knowledge available to those skilled in the art) to combine the references; (2) there must be a reasonable expectation of success; and (3) the combined references *must teach or suggest all the claim limitations*. See MPEP §§ 706.02(j) and 2143. The Examiner in the Office Action has not established a *prima facie* case of obviousness because the references cited by the Office Action, in light of the amendments made to the independent claims, do not teach or suggest all the limitations of

independent claims 1, 14, and 26. Applicant has amended independent claims 1, 14, and 26 as described above in Section B(i) to remove Chen et al. in view of Gustafsson as obvious under 35 U.S.C. §103(a). As argued above, Applicant believes that the references cited above do not teach or suggest all the elements and limitations of Applicant's independent claims 1, 14, and 26. Wood et al. '1819 is directed to routing a message to an application via a mobile telecommunications network in which mobile devices are assigned globally unique identifiers. Even if Wood et al. '1819 teaches specific claim elements in the dependent claims as proffered by the Examiner for dependent claims 5, 8, 9, 17, 20, 30, 33, and 34, Chen et al. and Gustafsson do not teach all of the limitations of independent claims 1, 14, and 26. Since Chen et al. and Gustafsson do not teach all of the limitations of independent claims 1, 14, and 26, combining Wood et al. '1819 with the teaching of Chen et al. and Gustafsson cannot arrive at Applicant's claimed invention as embodied in dependent claims 5, 8, 9, 17, 20, 30, 33, and 34, which contain all of the limitations of independent claims 1, 14, and 26 respectively. Therefore, combining Wood et al. '1819 with the teaching of Chen et al. and Gustafsson would not arrive at Applicant's claimed invention. Thus, Applicant believes that dependent claims 5, 8, 9, 17, 20, 30, 33, and 34 are patentable over Chen et al. and Gustafsson in view of Wood et al. '1819. Accordingly, Applicant requests retraction of the Examiner's rejection of claims 5, 8, 9, 17, 20, 30, 33, and 34 under 35 U.S.C. § 103(a).

(v). Items 4 and 9 In The Office Action

The Examiner has rejected claims 12 and 24 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. and Gustafsson and Miralles et al. and further in view of Wood et al. '1819.

Applicant respectfully traverses. The claims should be allowed over the prior art because one or more of the requirements of a *prima facie* case of obviousness is absent. Indeed, such a *prima facie* case can only be met when **all** of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves (or in the knowledge available to those skilled in the art) to combine the references; (2) there must be a reasonable expectation of success; and (3) the combined references *must teach or suggest all the claim limitations*. See MPEP §§ 706.02(j) and 2143. The Examiner in the Office Action has not established a *prima facie* case of obviousness because the references cited by the Office Action, in light of the

amendments made to the independent claims, do not teach or suggest all the limitations of independent claims 10 and 22. Applicant has amended independent claims 10 and 22 as described above in Section B(ii) to remove Chen et al. and Miralles et al. in view of Gustafsson as obvious under 35 U.S.C. §103(a). As argued above, Applicant believes that the references cited above do not teach or suggest all the elements and limitations of Applicant's independent claims 10 and 22. Even if Wood et al. '1819 teach the specific claim elements in the dependent claims as proffered by the Examiner for dependent claims 12 and 24, Chen et al. and Gustafsson and Miralles et al. do not teach all of the limitations of independent claims 10 and 22. Since Chen et al. and Gustafsson and Miralles et al. do not teach all of the limitations of independent claims 10 and 22, combining Wood et al. '1819 with the teaching of Chen et al. and Gustafsson and Miralles et al. cannot arrive at Applicant's claimed invention as embodied in dependent claims 12 and 24, which contain all of the limitations of independent claims 10 and 22 respectively. Therefore, combining Wood et al. '1819 with the teaching of Chen et al. and Gustafsson and Miralles et al. would not arrive at Applicant's claimed invention. Thus, Applicant believes that dependent claims 12 and 24 are patentable over Chen et al. and Gustafsson and Miralles et al. in view of Wood et al. '1819. Accordingly, Applicant requests retraction of the Examiner's rejection of claims 12 and 24 under 35 U.S.C. §103(a).

**CONCLUSION:**

This Amendment fully responds to the Office Action mailed on October 30, 2008. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.


Thus, a bona-fide attempt has been made to ensure that the application meets all statutory requirements and is in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited. If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant does not believe that any fees are due with this response. If this is not the case, please charge all required fees, or fees under 37 C.F.R. 1.17, or all required extension of time fees due, or credit any overpayment to, deposit account 13-2725. Please consider this a Petition For Extension Of Time for a sufficient number of months to enter this correspondence, or any future reply, if appropriate, for an extension of time for its timely submission.

Respectfully submitted,

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